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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Gabon

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. On 7 November 2017, Gabon was the subject of a universal periodic review before the Human Rights Council, during which the Minister of State, Minister of Justice and Chargé for Human Rights presented the country's report and gave an explanatory statement.

2. This was followed by a constructive interactive dialogue between the 73 States taking part voluntarily in the discussion and Gabon.

3. On 10 November 2017, in the official report presented by the representative of the troika (Tunisia), it was noted that, of the 166 recommendations addressed to Gabon, the Gabonese delegation had accepted 129, taken note of 15 and decided to defer comment on the remaining 22 recommendations until the thirty-seventh session of the Human Rights Council, in March 2018.

4. However, following consultations among the various human rights stakeholders, the Government accepted a further 14 recommendations that it had initially deferred. Accordingly, of the 166 recommendations made, Gabon has now accepted 143 and noted 23.

List of the 166 recommendations examined by Gabon, and the State's position in respect of them

Recommendations accepted

Recommendations	*Position of Gabon*	*Comments*
Thematic area 1: Politics		
118.1; 118.2; 118.3; 118.4; 118.5; 118.6; 118.7; 118.8; 119.1; 119.2.	Accepted	The members of the body responsible for monitoring and evaluating the implementation of the outcomes of the political dialogue, appointed by the Council of Ministers on 27 October 2017, began work on 14 December 2017. This joint ad hoc committee is tasked with verifying that the decisions adopted by national political representatives by consensus are translated into legislation. For example, with regard to institutional reform and the democratic rule of law, the committee will, inter alia, set about defining the political modalities for appointing the members of the Constitutional Court and finalize the discussions on the status of members of the National Council for Democracy. On 26 January 2018, the Council of Ministers adopted the following four draft ordinances: 1. The draft ordinance amending and supplementing Act No. 7/96 of 12 March 1996 on provisions applicable to all political elections. This ordinance gives effect to the recommendations arising from the political dialogue, particularly those concerning electoral reform, with a view to improving the conditions for the organization of political elections; 2. The draft ordinance amending selected provisions of Organic Act No. 11/96 of 15 April 1996 on the election of deputies to the National Assembly. This

Recommendations	*Position of Gabon*	*Comments*
		draft introduces amendments in line with the recommendations made during the political dialogue concerning the election of deputies to the National Assembly, namely: the introduction of election in single-member constituencies on the basis of majority vote in two rounds, an increase in the number of seats, and the adoption of the principle of plurality of mandates with a cap on remuneration; 3. The draft ordinance on the number and distribution of deputies' seats by province, department and municipality. This draft takes into account the recommendations made during the political dialogue and the newly created constituencies. It also provides that the number of seats will increase from 120 to 143, that is, an additional 23 seats; 4. The draft ordinance amending certain provisions of Act No. 17/96 of 15 April 1996 on special provisions applicable to the election of deputies to the National Assembly. With regard to continuing capacity-building activities and human rights training for defence and security forces by utilizing South-South cooperation, it is recalled that, in recent years, human rights training has been provided for defence and security forces by governmental organizations (the Ministry of Justice, the National Human Rights Commission and the National Commission for Refugees) and by non-State organizations (the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), ICPO-INTERPOL and the International Committee of the Red Cross (ICRC)), either in conjunction with the celebration of international days or as part of the implementation of a sectoral plan of action. This year, the Government decided to incorporate comprehensive training on human rights into the curricula of the National Gendarmerie military academy. Modules on peacekeeping and international humanitarian law are taught to members of the military from Madagascar, Togo, Mali, Benin and Côte d'Ivoire at the academy.

Recommendations	*Position of Gabon*	*Comments*
Thematic area 2: Ratification		
118.9; 118.10; 118.11; 118.12; 118.13; 118.14; 118.15; 118.16.	Accepted	
Thematic area 3: Legislation		
118.17; 118.18; 118.19; 118.20; 118.21; 118.22; 118.23; 118.24.	Accepted	
Thematic area 4: Prevention of torture		
118.25; 118.26; 118.27; 118.28; 118.29; 118.30.	Accepted	
Thematic area 5: Administration of justice		
118.31; 118.32; 118.33; 118.34; 118.35; 118.36; 118.37; 118.38; 118.39; 118.40; 118.41; 118.42.	Accepted	
Thematic area 6: Trafficking		
118.43; 118.44; 118.45; 118.46; 118.47; 118.48; 118.49; 118.50; 118.51; 118.52; 118.53; 118.54; 118.55; 118.56; 118.57; 118.58; 118.59; 118.60; 118.61.	Accepted	
Thematic area 7: Discrimination		
118.62; 118.63; 118.64; 118.65; 118.66; 118.67; 118.68; 118.69.	Accepted	
Thematic area 8: Women's rights and gender equality		
118.70; 118.71; 118.72; 118.73; 118.74; 118.75; 118.76; 118.77; 118.78; 118.79; 118.80; 118.81; 118.82; 118.83; 118.84.	Accepted	
Thematic area 9: Children's rights		
118.85; 118.86; 118.87; 118.88; 118.89; 118.90; 118.91; 118.92; 118.93; 118.94.	Accepted	Following on from the activities carried out to celebrate Universal Children's Day, from 29 November to 5 December 2017 the Government held awareness-raising sessions in public and private schools in the municipality of Mouila on the protection of the rights of child victims of various forms of violence. The main objective was to provide recipients with technical tools to ensure a thorough understanding of the appropriate administrative procedures for preventing and combating violence against children in schools. School principals, general supervisors and civics teachers were the target audience. These

Recommendations	*Position of Gabon*	*Comments*
		sessions, conducted in partnership with the Mouila prosecutor's office, resulted in: • The formation of a federation of all school principals in the province of Ngounié • The arrest of a pharmacy owner in the city of Mouila and the closure of the pharmacy concerned On 19 December 2017, a delegation led by the Minister of Education and comprising administrators, psychologists/guidance counsellors and doctors, launched a travelling awareness-raising exhibition on violence in schools. The educational authorities travelled to several secondary schools in Libreville and Mouila, calling on students to say "No" to violence in schools and to the misuse of medicines.
Thematic area 10: Freedom of expression		
118.95; 118.96; 118.97; 118.98; 118.99; 118.100; 118.101; 118.102; 118.103; 118.104; 118.105.	Accepted	
Thematic area 11: Combating poverty		
118.106; 118.107; 118.108; 118.109; 118.110; 118.111.	Accepted	
Thematic area 12: The right to health		
118.112; 118.113; 118.114; 118.115; 118.116; 118.117; 118.118.	Accepted	The setting up of mobile clinics in every province in the country will involve: • Creating a fleet of four-wheel-drive medical buses equipped to provide emergency and basic care, consultations, gynaecological services, simple laboratory procedures, ophthalmological care, paediatric care, minor surgery, and prevention and screening activities • Implementing medical safety systems • Assigning medical personnel and health-care assistants The establishment of a programme for free childbirth throughout the country as from the first quarter of 2018 will entail: • Identifying the target population, beyond those covered by the National Health Insurance and Social Protection Fund • Developing legal instruments to provide a basis in law for the measure • Evaluating the budgetary impact

Recommendations	*Position of Gabon*	*Comments*
		• Strengthening the system currently implemented by the National Health Insurance and Social Protection Fund • Defining the complementary package, which may include feeding of babies born to mothers infected with HIV/AIDS, baby clothes, insecticide-treated mosquito nets, etc. • Strengthening reception capacity (beds, equipment and medicine) • Communication and awareness-raising for hospital facilities (primarily maternity units) As part of these efforts, on 26 January 2018, the Council of Ministers adopted the following two draft decrees: 1. The draft decree establishing the conditions for covering the costs of childbirth in public health-care facilities in Gabon for women of Gabonese nationality over the age of 18; 2. The draft decree describing the tasks of mobile medical units that periodically offer a range of health-care services to populations living in health districts, such as: treatment for infectious diseases, obstetric gynaecology, paediatrics, ophthalmology, oral medicine, ear, nose and throat medicine, cardiology, minor surgery, medicines, medical laboratory testing, radiology, screening and prevention of diabetes, cancer, malaria and tuberculosis, and other specialist health care if needed.
Thematic area 13: The right to education		
118.119; 118.120; 118.121; 118.122; 118.123; 118.124; 118.125.	Accepted	Equipping middle and high schools with computer rooms with quality Internet will involve: • Activating the steering committee for the Education Emergency Plan (2017–2019) • Acquiring and distributing computers Implementing the plan for the renovation of primary schools nationwide will entail: • Activating the steering committee for the Education Emergency Plan (2017–2019) In order to complete the programme for the provision of tables and benches in all schools nationwide, the following action will be taken: • A needs assessment by the Ministry of Education

Recommendations	*Position of Gabon*	*Comments*
		• Collaboration between the Government and the multinational OLAM to re-evaluate the order
Thematic area 14: Persons with disabilities		
118.126; 118.127; 118.128; 118.129.	Accepted	
Thematic area 15: National Human Rights Commission		
119.6; 119.7; 119.8; 119.9; 119.10; 119.11; 119.12; 119.13; 119.14; 119.15.	Accepted	
Thematic area 16: Rights of refugees and asylum seekers		
119.21; 119.22.	Accepted	With regard to the rights of refugees and asylum seekers, the principle of non-refoulement is fully respected in the case of migrants who comply with the conditions set out in the applicable legislation on migration. With the support of UNHCR, the Government ensures that child refugees and asylum seekers have access to appropriate medical services.

Recommendations noted

Recommendations	*Position of Gabon*	*Comments*
Thematic area 1: Treaty bodies		
120.1.	Noted	
Thematic area 2: Ratification		
119.3; 120.2; 120.3; 120.4; 120.5; 120.6; 120.7.	Noted	Regarding ratification, Gabon has decided to take a specific set of steps prior to beginning the process of ratifying or acceding to certain international instruments related to weapons and migrant workers. This will involve examining the provisions of these instruments with a view to preparing interpretative declarations or entering reservations. To this end, an ad hoc committee for the examination of international treaties is to be set up as soon as possible. With regard specifically to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a technical meeting is planned with a view to ratification, following the adoption of the principle of free movement of goods and people within the Central African Economic and Monetary Community.

Recommendations	*Position of Gabon*	*Comments*
		Regarding the Optional Protocol to the International Covenant on Civil and Political Rights, as the relevant judicial mechanisms are not yet in place to effectively manage multiple complaints, the State cannot at this stage consider becoming a party to the Protocol. With regard to ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the conceptual framework adopted by the United Nations drafters concerning "indigenous and tribal peoples" differs from that of Gabonese lawmakers. Indeed, in accordance with the sacrosanct principle enshrined in the Constitution of the indivisibility of the Gabonese people and the fact that the land belongs to the State, self-determination within the meaning of ILO Convention No. 169 is not a possibility for the indigenous peoples of Gabon.
Thematic area 3: Legislation		
119.4; 119.5.	Noted	With regard to legislation, specifically adherence and adaptation of national legislation to the Arms Trade Treaty and signature of the Treaty on the Prohibition of Nuclear Weapons, the Government plans to incorporate these treaties into the domestic legal order as soon as possible, along with other international legal instruments. The development of the legal framework imposing a prior authorization regime, in order to allow the emergence of a modern civil society, was a concern raised during the participatory dialogue. In this connection, given the multiplicity of civil society actors, the Government is working to update the Outline Act on the activities of civil society organizations in Gabon, in accordance with the principles of the 2008 Accra Declaration.
Thematic area 4: Administration of justice		
120.8; 120.9; 120.10.	Noted	As regards the involvement and responsibilities of the various actors, the victims of the post-electoral violence and the allegations of human rights violations, the accused are awaiting trial at the central prison in Libreville and proceedings are taking their normal course.

Recommendations	*Position of Gabon*	*Comments*
Thematic area 5: Discrimination		
119.16; 119.17; 119.18; 119.20; 120.11.	Noted	With regard to discrimination, the draft amendments to the Civil Code expressly provide for the protection of persons, particularly women and indigenous peoples, from discrimination. Discrimination is prohibited in certain domestic legal instruments. Besides persons with disabilities — for whom the Government has just adopted a national plan of action, representing the outcome of work steered by them — other citizens can avail themselves of extensive legal protection. There are no discriminatory provisions in Gabon. The tendency to believe that there are such provisions is the result of isolated human acts. The process of acceding to the Convention against Discrimination in Education is under way.
Thematic area 6: Women's rights and gender equality		
120.12.	Noted	
Thematic area 7: Children's rights		
120.15.	Noted	
Thematic area 8: Freedom of expression		
119.19; 120.13; 120.14.	Noted	